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Attorney Docket: 239/228

Patent

AF8 #13
Revision
Paper
S. Buyer
8/15/02

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Farhad Khosravi, et al.

Serial No.: 09/427,260

Filed: October 25, 1999

For: Stretchable Anti-Buckling Coiled-Sheet
Stent

Group Art Unit: 3738

Examiner: B. Pellegrino

TRANSMITTAL LETTER

BOX FEE

Commissioner for Patents
Washington, D.C. 20231

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AUG - 7 2002

Sir:

TECHNOLOGY CENTER R3700

Enclosed please find the following documents for this application:

1. Petition Under 37 CFR § 1.48(a)
2. Consent of Assignee for Correction of Inventorship, and
3. Declaration

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

July 18, 2002
Date of Deposit

Sally Hartwell

Name of Person Mailing Paper

Signature of Person Mailing Paper

Also enclosed please find a check in the amount of \$130.00 to cover the Petition under 37 CFR § 1.48(a) fee. If this fee is deficient, the Examiner is hereby authorized to charge any fee required by the filing of these papers to Lyon & Lyon's Deposit Account No. **12-2475**.

Respectfully submitted,


LYON & LYON LLP

Dated: July 18, 2002

By: 

William A. English
Reg. No. 42,515

633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(949) 567-2300

20231. 
Sally Hartwell

I declare that, as President and CEO of the assignee of the above-identified patent application, Endotex Interventional Systems, Inc., I am authorized to provide this consent on behalf of the assignee.

ASSIGNEE

ENDOTEX INTERVENTIONAL SYSTEMS, INC.

By: 

Name: John Maroney
President

Date: 6 JUNE 2002

LYON & LYON LLPA LIMITED LIABILITY PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

1900 Main Street, Sixth Floor

Irvine, California 92614

Phone: (949) 567-2300

Fax: (949) 567-6600

FACSIMILE TRANSMITTAL FORM

To: Examiner Brian E. Pellegrino, U.S. Patent and Trademark Office	Fax Number: 703/308-2708	Phone Number: 703/306-5899
From: William A. English	Fax Number: 949/567-6600	Phone Number: 949/567-2300
Re: Notice of Improper Request for Continued Examination (RCE)	Date/Time sent: 7/24/02 11:20 AM	No. of Pages: 25 (incl. cover)
Client Name: Endotex Interventional Systems, Inc.	Client Matter No.: 239/227	

If you do not receive all of the pages, please call Sally Hartwell at (949) 567-2300 extension 1111.

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Notes/Comments:**GROUP 3700****TO BE COMPLETED BY FAX OPERATOR**

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Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Inventor(s): Farhad Khosravi, et al.

Serial No.: 09/427,260

Filed: October 25 1999

For:

STRETCHABLE ANTI-BUCKLING COILED SHEET STENT

AMENDMENT AFTER FINAL

Atty: William A. English/sjh

Docket No.: 239/227

Date of Deposit: April 1, 2002

Enclosure(s): Amendment Transmittal (2 pgs);
Amendment (12 pgs);
postcard, certificate of mailing
Check No. 3825 Amount \$55.00



Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Inventor(s): Farhad Khosravi, et al.

Serial No.: 09/427,260

Filed: October 25 1999

For:

STRETCHABLE ANTI-BUCKLING COILED SHEET STENT

RCE

Atty: William A. English/sjh

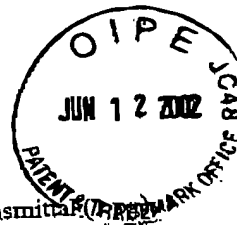
Docket No.: 239/227

Date of Deposit: June 3, 2002

Enclosure(s):

Request for Continued Examination Transmittal
postcard, certificate of mailing;

Check No. 2141 Amount \$830.00





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,260	10/25/1999	FARHAD KHOSRAVI	239/227	2937

7590

06/27/2002

ATTENTION WILLIAM A ENGLISH
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633 WEST FIFTH STREET 47TH FLOOR
LOS ANGELES, CA 90071

EXAMINER

PELLEGRINO, BRIAN E

ART UNIT

PAPER NUMBER

3738

DATE MAILED: 06/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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JUL - 8 2002

U.S. PROSECUTION



APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 10/25/99 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application in which the Office has not mailed at least one of an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

Stephanie Buyer, Examining Group 3738

(703) 308 - 1275